

The Report of the Outfitter Waterfowl and Turkey Advisory Work Group dated January 21, 2011.

Public comment will be taken until March 25, 2011. All comments can be mailed to the IOGLB office at 1365 North Orchard Rm. 172 Boise Idaho 83706 or emailed to [licensing@ioglb.idaho.gov](mailto:licensing@ioglb.idaho.gov)



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## **Report of the Outfitted Waterfowl and Turkey Advisory Work Group January 21, 2011 (Draft 6)**

The Outfitted Waterfowl and Turkey Advisory Work Group was formed on March 3, 2010 by a series of appointments made jointly by the Idaho Outfitters and Guides Licensing Board and the Idaho Department of Fish and Game. This report contains their final recommendations to both agencies and a summary of the process they followed to arrive at these recommendations.

The advisory work group was tasked with the following goals:

1. To understand the current conditions around the issue, including habitat condition, hunting demand, legal standing, etc.
2. To find areas of agreement
3. To brainstorm and prioritize possible solutions
4. To make policy recommendations to the IOGLB and IDFG Commission, or to disclose the points of non-agreement, and
5. To be clear on whether the recommendations for turkeys and waterfowl were the same or needed to be different in some regards.

### **Membership**

The advisory group consisted of eight voting members, four non-voting ex officio participants, and three staff. The advisory group members were self-nominated from stakeholder groups—landowners, non-outfitted sportsmen organizations, and outfitters. Group members were:

#### **Voting Members:**

Wally Butler	Idaho Farm Bureau	Landowners
Bryce Cook	Idaho Waterfowl Association	Sportsmen
Mike Lawson		Outfitters
Dan Jones	Potlatch Corp	Landowners (unable to participate)
Joseph Peterson	Flying B Ranch	Outfitters
Mike Reggear	Clearwater Management Council	Landowners
Grant Simonds	Idaho Outfitters & Guides Assoc.	Outfitters
Ryan Storm	Pheasants Forever & ISCAC	Sportsmen
Paul Waldron	Idaho Turkey Federation	Sportsmen

#### **Non-Voting Members**

Wayne Hunsucker	IOGLB Board	Observer
Alex Irby	IDFG Commission	Observer
Jake Howard	IOGLB Executive Director	Observer
Virgil Moore	IDFG Deputy Director	Observer

#### **Staff**

Dick Gardner	Bootstrap Solutions	Facilitator
Lance Hebdon	IDFG	Staff support
Jeff Knetter	IDFG	Staff support

## **Problem Statement:**

The group developed the following statement to clearly understand the problem they were trying to solve.

**The Idaho Outfitters and Guides Licensing Board has a statutory responsibility to consider applications for outfitting. There is currently a temporary moratorium on waterfowl and turkey outfitting applications. How can Idaho allow, or not allow, additional guiding and outfitting for waterfowl and/or turkey on private and/or public lands, while protecting and maintaining private property rights?**

## **Characteristics of an Ideal Solution:**

The group approved the following list of characteristics that would describe an ideal solution to their problem. They agreed that these characteristics made appropriate criteria for prioritizing solutions.

1. Opportunities for access are enhanced.
2. Private property rights are respected.
3. Economic opportunities are respected and encouraged.
4. Species habitat is enhanced.
5. Easy to understand, i.e. a clear rationale for proposed actions.
6. Public acceptance.

## **Recommendations**

The group brainstormed policy actions that could be part of a solution. They scored them against the criteria, and then worked to craft potential solutions by combining different policy actions so as to improve the total score. Each of the three stakeholder groups developed a possible solution that was their first choice. The sportsmen's groups, in particular, had adopted formal positions in support of their first choice solution, namely to make the temporary moratorium on outfitting turkey and waterfowl hunting permanent. That debate had to come first.

### **Making the Moratorium Permanent**

#### Reasons Supporting a Permanent Moratorium (Sportsmen' Perspective)

- ◇ IOGLB can place any restrictions on outfitting that are "reasonable" to avoid conflicts with non-guided public hunters.
- ◇ For many non-guided hunters, participating in hunting waterfowl or turkeys does not require
  - Expensive/specialized equipment
  - Specialized skills, or
  - Specialized knowledge of an area
- ◇ Lack of suitable habitat is a major rationale.
  - Less than 0.7% of Idaho (374,716 acres) is public water larger than ½ acre, plus rivers (and at least 15,000 acres of Lake Lowell are closed to hunting.)
  - Based on Census of Agriculture data, from 1997-2007 Idaho has lost over 500,000 acres of farmland.
  - Idaho currently has 187,435 duck hunter-days and 110,244 goosehunter-days (average 2005-09).

- Outfitting would increase the loss of access for the non-outfitted public
- ◇ The temporary moratorium on waterfowl outfitting has been an Idaho policy for 20 years. It has had time to face any legal challenges of being "arbitrary." In fact, to change it now may well be "arbitrary."
- ◇ Some provisions of the proposed compromise may be hard to enforce. The IOGLB has very limited resources for enforcement of its regulations.
- ◇ The population of turkeys has been documented to have stabilized after its introduction into Idaho. Outfitted hunting adds pressure to this limited population of birds.
- ◇ The vast majority of Idaho turkey hunters do not need any assistance for their hunting.
- ◇ Existing turkey outfitters are under-subscribed in the hunts they offer. The need for additional turkey outfitting has not been demonstrated.
- ◇ A permanent moratorium policy adopted by IOGLB would be approved by both bodies of the Idaho Legislature, which would give it the legal review and authority to hold in court.

#### Reasons to Oppose a Permanent Moratorium (Outfitter/Landowner Perspective)

- ◇ Portions of the public are interested in outfitted turkey and waterfowl hunting opportunities, i.e. there is some need or public demand.(Moratorium has prevented assessment of demand or need).
- ◇ Landowners are entitled to provide revenue-generating services on their land with minimal regulation.
- ◇ Many landowners allow public hunting, but want to regulate it. There is often a cost to the landowner from allowing hunting, such as road erosion, gates left open, littering/vandalism, etc. There are a range of landowner choices for managing hunting access. Each landowner must weigh the benefits and costs of each option.
  - Access Yes is a good program that offers \$2-6/acre as calculated by IDFG
  - Trespass laws allow fees to be collected that may be higher, but the owner then loses control of who is accessing his land.
  - Outfitters offer some income and complete control of access.
- ◇ Idaho's outfitter and guide system is one of the most strict in the U.S., which means that customers can expect a high quality experience, and hunters can expect minimal interference to public opportunities. The IOGLB very carefully considers the impact that outfitting has on the general public, and this helps maintain quality experiences for the outfitted and non-outfitted public.
- ◇ Concern about declining public access is happening even with the moratorium.
- ◇ Outfitted and guided hunts can be part of the answer, because outfitting increases the total access to hunting opportunities.
- ◇ Non-regulated hunting clubs appear to be removing private land from access by the non-outfitted public to a far greater extent than outfitting ever would.
- ◇ Many outfitted clients grow to become avid turkey hunters seeking public access.
- ◇ Landowners may not outfit and guide waterfowl on their own property due to the moratorium, which violates their property rights\*(see editors' note on next page).

At this point, the group had built enough trust among members to conduct a frank and open conversation about the political viability of their first-choice solutions. The desire by hunters to continue to obtain open access to private land for hunting is countered by the property rights of landowners to control access to their land. Any effort to make the current moratorium on the use of private land by outfitters permanent may well be seen as a taking of landowner property rights\* (see editors' note below). Landowners need to capture the recreation values of their land to remain viable, and working with outfitters is one way to accomplish that.

The group agreed that placing resolution of the issue with either the courts or the Legislature without consensus by both sides was a risky move with uncertain results, no matter which side of the issue one took. Both sides have countervailing political influence.

With this understanding, the three stakeholder groups generated five potential solutions reflecting attempts to compromise coming from their perspective. They then examined a compromise solution proposed by staff that took elements from each of the stakeholders' solutions. They developed a list of problems they had with different policies within the proposed solution and worked through them to develop some consensus for the following solution, as a compromise, second-best solution for all.

\_\* (Editors' note: The Idaho Supreme Court has upheld the State's regulation of commercial outfitting, whether it occurs on public or private land, as a reasonable use of the legislature's police power. The Legislature's distinction between commercial and noncommercial outfitting is rationally related to its expressed objective of "safeguarding the health, safety, welfare and freedom" of individuals, while in turn "promot[ing] and encourag[ing] residents and nonresidents alike to participate in the enjoyment and use" of Idaho's natural resources. State v. Koller, 835 P.2d 644 (1992), quoting Idaho Code Section 36-2101. The Idaho Legislature authorized the Outfitters and Guides Licensing Board to impose limits and restrictions on outfitting and guide licenses, including specifications as to the types of activities licensed and the exact territorial limits of the outfitting area. Idaho Code Sections 36-2107, 36-2109, 36-2110.)

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## **Solution F - Consensus Solution (revised 11/2/10 & 12/10/10)**

### **Turkey Outfitting**

Turkey outfitting is permitted where the following ten conditions are met.

1. Private landowners may be licensed for outfitting on their own land. Licensed outfitters may designate agents (including existing outfitters) as employees to provide services.  
**Substitution Options (not approved by consensus)**
  - a) Limit the outfitter's license to the land they own or have existing leases at the time of application, with no future land amendments allowed. If a lease was lost for some reason, the outfitter could apply only to replace that amount of land with another lease. Existing turkey or waterfowl outfitters would get a single chance to amend their operation to include additional existing leases. **Or...**
  - b) Set a maximum acreage limit on leased land for turkeys or for waterfowl by any single outfitter, possibly varying by region to account for habitat differences
2. Outfitting for turkeys on federal lands will not be initiated by IOGLB.
3. Existing IOGLB Private Lands Policy (see attachment A) will continue to focus on public access and possibly it and some or all of the following be promulgated into rule.
4. Guiding may be limited on a case by case by IOGLB with input from IDFG, based on the conditions in this solution.

5. Outfitters are limited to no more than 3% of the five year moving average of turkey tags by region in Idaho. IDFG shall supply this data to IOGLB annually.
6. Relative to the above, the actual cap on the number of outfitters on private land considered turkey habitat within a unit, region or county is established through a capacity analysis done by the IOGLB and from IDFG.
7. Minimum Size – A minimum of 160 acres is required for licensing outfitters to hunt turkey, with exceptions on the number of contiguous acres determined on a case-by-case basis by the IOGLB, but no fewer than 50 acres per parcel.
8. Appropriate buffer distances shall be established between outfitters by the IOGLB with input from IDFG.
9. Annual reporting of client hunting days and harvest shall be made by licensed outfitters.
10. Maintain IOGLB and the current board structure as a self-governing agency, but create a private lands technical advisory committee to work with IOGLB on private land issues.

### **Waterfowl Outfitting**

Waterfowl outfitting is permitted where the following eleven conditions are met.

1. Only private landowners may be licensed for outfitting on their own land. Licensed outfitters may designate agents (including existing outfitters) as employees to provide services.

#### **Substitution Options (not approved by consensus)**

- a) Limit the outfitter's permit to the land they own or have existing leases at the time of application, with no future land amendments allowed. If a lease was lost for some reason, the outfitter could apply only to replace that amount of land with another lease. Existing turkey or waterfowl outfitters would get a single chance to amend their operation to include additional existing leases. Or...
  - b) Set a maximum acreage limit on leased land for waterfowl by any single outfitter, possibly varying by region to account for habitat differences
2. Outfitting on public lands or waters is prohibited. **(No consensus on this point.)**
  3. Existing IOGLB Private Lands Policy (see attachment A) will continue to focus on public access and possibly it and some or all of the following be promulgated into rule. **(No consensus on Attachment A)**
  4. Guiding may be conditioned and limited on a case by case by IOGLB with input from IDFG, based on the conditions in this solution.
  5. Outfitters are limited to no more than 3% of the larger of the five year moving averages for estimated duck and goose hunter days by hunting region in Idaho. IDFG shall supply this data to IOGLB on an annual basis.

And

Area-based cap – Outfitting on private land is limited to 5% of the dryland cropland or irrigated cropland within the county (as found in USDA Ag Statistics) that is considered private property with waterfowl habitat. **(No consensus on area-based cap.)**

6. Relative to the above, the actual cap on the number of outfitters on private land considered waterfowl habitat within a unit, region or county is established through a capacity analysis done by the IOGLB and from IDFG.

7. Minimum Size – A minimum of 100 contiguous acres is required for licensing outfitters to hunt waterfowl.
8. A 300 foot buffer is placed on navigable, publicly huntable waters (see Figure 2). The rationale is that 300 feet is twice the distance of shotgun effectiveness, thus eliminating the potential for conflict with the non-outfitted public. Exceptions would be granted for specific instances of game retrieval or dog control. **(No consensus on this point.)**

**Substitution Options (not approved by consensus)**

- a) IOGLB shall designate, with IDFG input, a list of High Hunting Pressure/High Potential Conflict zones, where waterfowl outfitting would be prohibited, e.g. Lower Snake reach from Swan Falls to Oregon border, some portion of Mid-Snake River, and some portion of the Lower Clearwater to avoid conflicts with steelhead fishing. This should be based on some statistical measure of hunting pressure developed by IDFG. Or...
  - b) An experimental pilot program shall be established by IOGLB to allow up to fourteen waterfowl outfitters on private land, over and above the current existing four waterfowl outfitters, with careful consideration by IOGLB on regional distribution. After 3-5 years, a report evaluating this program's performance shall be issued to the public. If no report is issued, the outfitters must cease operations by the end of Year 6.
9. Appropriate buffer distances shall be established between outfitters by the IOGLB with input from IDFG, except that the minimum is set by the 300 foot buffer noted above.
  10. Annual reporting of client hunting days and harvest shall be made by licensed outfitters.
  11. Maintain IOGLB and the current board structure as a self-governing agency, but create a private lands technical advisory committee to work with IOGLB on private land issues.

**Additional Recommendation for Turkeys and Waterfowl:**

Private hunting clubs appear to be increasing in number and size in Idaho. While the group does not have an opinion on hunting clubs, the group notes that because hunting clubs are not regulated, there is no data on their number, location, size, fee structure, or game species sought. Hunting clubs have the potential to control significant amounts of prime turkey or waterfowl habitat, and reduce access opportunities for the non-paying private party hunters in the process. In addition, some hunting clubs may accidentally cross the line into outfitting as they seek to expand the services offered to club members.

The group recommends that a survey of landowners should be done in conjunction with the USDA Agricultural Statistics Service to determine the extent and terms of leasing to individuals, hunting clubs, or outfitters in prime waterfowl and/or turkey habitat. Solid data on hunting clubs and private hunting leases is the best way to address the fears of sportsmen's groups about the loss of open access to hunting grounds.

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**Process**

Details of the process can be examined by a review of the meeting notes. The advisory group followed a classic problem-solving process, whereby they:

- a. Defined the problem
- b. Agreed on what characteristics define success
- c. Sought additional information that would inform the problem
- d. Brainstormed possible ways to address the problem
- e. Refined the alternatives and scored them against the success criteria, then
- f. Polished the best alternative for maximum consensus agreement

The group met four times in person, on April 8, May 13, June 3, and August 21. They then met twice by teleconference on October 2 and December 9.

At the **first meeting**, the group introduced themselves, talked about expectations, and agreed to a set of ground rules that included their conduct with the public and media. A short training on the meaning of consensus followed. They reviewed the goals set for the work group by the IOGLB and IDFG Commission, and spent most of the meeting sharing the perspectives of sportsmen, landowner, and outfitter in detail. They agreed on certain facts, among them that access to private hunting land by the non-outfitted public has been decreasing for a variety of reasons including habitat loss, population pressure, economic pressure on landowners to maximize revenue, and damage caused by irresponsible ATV use. The group acknowledged that a set of tensions exist in the planning environment for this problem. These tensions can be lessened or modified, but will not go away. They are listed below:

Versus	
Public interest in hunting access to publicly-owned wildlife Landowners can assert private property rights, and outfitters can assert their right to run a business. Sportsmen have long had access to hunting on private lands.	Private landowners right to control access to their property There are uncertainties in the law.  Sportsmen may have an expectation of continued access to private lands, and they may exert public pressure when they feel access is declining due to outfitters.
Does the "public" only apply to private hunting parties? Landowners can make a property rights appeal to legislators and outfitters can make a business case to legislators.	Does the "Public" include the "outfitted public"? Sportsmen's' groups have many more constituents and can exert pressure on legislators.

At the **second meeting** held May 13, staff showed the group a set of maps displaying where prime turkey and waterfowl habitat was in Idaho, the land ownership of that habitat, and existing outfitting territories, which are relevant as existing outfitters may seek to expand their licenses by adding turkeys or waterfowl. Staff provided a summary of comments from received from Fish and Game managers in 24 states regarding turkey and waterfowl outfitting (complete document is in Attachment B).

#### Summary

20 states allow outfitting on public land and 23 states allow outfitting on private land. Minnesota prohibits turkey outfitting by state law, North Carolina did not specify whether or not outfitting is allowed.

#### How have outfitted and guided hunts affected turkey and waterfowl hunters in your state?

- Over half of the states indicated that turkey and waterfowl outfitting had minimal impacts to turkey and waterfowl hunters
- Four states (Arkansas, Colorado, Utah, Washington) indicated outfitting negatively affected waterfowl hunters
- Four states (California, Nebraska, Nevada, Texas) indicated outfitting had positive and negative affects to access for turkey and waterfowl hunting.



To what degree is there competition between outfitters and non-outfitted hunters for access to private land for turkeys? For waterfowl?

- 19 states did not perceive (or perceived as minimal) competition between outfitters and non-outfitted turkey hunters
- 18 states did not perceive (or perceived as minimal) competition between outfitters and non-outfitted waterfowl hunters

Does your agency reserve or regulate hunting sites for waterfowl or turkey on lands you control or pay for access to?

- 12 states reserve or regulate hunting sites for turkey hunting
- 19 states reserve or regulate hunting sites for waterfowl hunting

The group went through an exercise that asked them to describe their worst fears around these issues and then asked them to turn negative fear statements into a positive expression of their interests in these issues. The group was then led through brainstorming policy actions that could address their interests. This was followed by brainstorming ways that outfitting could be conditioned or limited on turkeys and on waterfowl hunting. This was followed by a final round of brainstorming ways that public access could be increased for turkeys and waterfowl. Eighty ideas were generated in total. Between meetings, group members did individual rankings of the ideas in seven different clusters.

The **third meeting** brought new information on a survey of turkey hunters. An article on the difference between physical reductions in hunting access and perceptions of reduced access prompted group discussion. The group was then led through brief trainings on conflict management styles and an overview of property rights. After taking a self-test, all of the group members identified themselves as tending to use a style of compromise or collaboration. Yet a prophetic comment was that while their individual style may be to collaborate, their organizations tended to push them toward a competing stance.

After examining the results of the ranking of individual ideas, the group was asked to package these ideas together in ways that would address their interests and score well on the set of criteria for an ideal solution. After discussion, the group agreed to proceed with the exercise with the understanding that some of their organizations have adopted firm positions and that this brainstorming was very preliminary in nature. For this exercise the group broke into three stakeholder groups. Sportsmen brought two proposals forward, with the first being a simple extension of the moratorium on outfitting to a permanent status. The group was invited to individually suggest new solution packages, and a Solution E resulted. Between meetings members scored each solution against the six criteria.

Gardner showed the group a hunting demand curve much like the one shown below (Figure 1). He used it to show how people have different strategies for a quality hunt that cost different amounts. While the vast majority of hunters were self-guided and paid only for gas, food, supplies, and equipment, smaller numbers of hunters were willing to pay much larger amounts for trespass fees, paying for outfitted hunts, and then for joining hunting clubs. The most expensive option was likely the purchase of recreation property whose primary use was hunting. This demand curve illustrates the point outfitters make when they say they serve the public. They are providing a value-added product that is priced high, but that a small fraction of hunters are willing to pay.

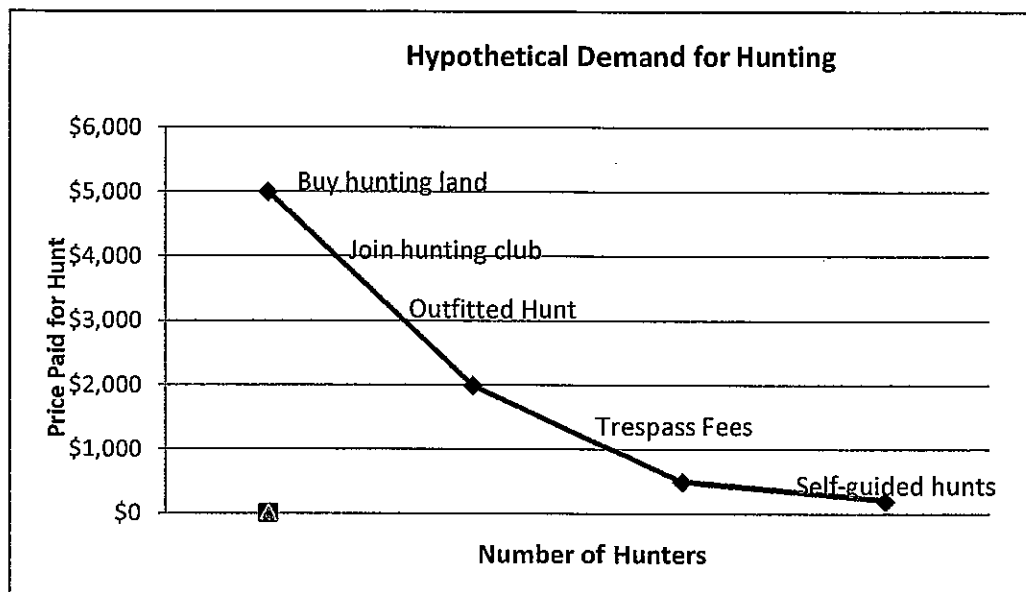


Figure 1. Hypothetical demand curve for hunting. Note that prices and hunter numbers are hypothetical. Outfitting may be more or less expensive than hunting club, depending on specific circumstances.

The **fourth meeting** on Saturday, August 21 began with a briefing by lawyers representing the IOGLB and IDFG. The IOGLB is legally obligated to consider all applications for an outfitter's license. In order for a Judge to uphold the Board's decision to deny an application, the Board must have a reasonable basis in law and fact. They noted in their comments that this Advisory Group needs to identify the reasons or the "why" behind the options or recommendations that it submits to the Board so that the Board would be able to articulate its reasons if it adopts one of the options. In general, agencies have two options in implementing new policy. They can adopt a rule pursuant to the Idaho Administrative Procedures Act (IDAPA), or they can seek to enact new law (statute) through the legislative process. If they adopt policy via rulemaking, the rules must be supported by the law and which are then subject to judicial review if challenged.

Making the moratorium permanent based upon the current law falls into a gray area, where a judge's decision would be difficult to predict. A biological rationale for the moratorium would be a reasonable basis, but that does not appear to be the case here. Using social interests as a rationale is a weaker legal argument. Legislation is a sure way to enact a moratorium, but getting a clean bill through the legislature is difficult. To aid decisions on which route to take, the IOGLB will conduct a legal risk analysis. The fact that the IOGLB is funded primarily by outfitter and guide licensing fees and has very limited funds for litigation means they will be conservative in their risk analysis. Agencies sometimes adopt "policies" to clarify or interpret existing statutes or rules (laws) but those types of "policies" by themselves do not have the force of law. The informal moratorium that has been in place has been one of these types of policies.

Two pieces of new information were introduced. The first was the two tables that appear below showing the 5 year average of turkey hunters by region (Table 1), and waterfowl hunting days by region (Table 2), with columns showing what potential caps representing 3% and 5% limits on outfitting would allow. The second was a map that contained IDFG's first cut at

navigable and huntable waters in Idaho (Figure 2). This pertains to riparian buffers on waters for outfitted waterfowl hunting.

Table 1. Estimated number of turkey hunters by region between 2005 and 2009.

<b>Turkey Hunters</b>								
<b>Region</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>Average</b>	<b>3%</b>	<b>5%</b>
1	2,988	2,998	3,456	2,653	2,926	3,004	90	150
2	5,604	5,642	4,654	3,997	4,588	4,897	147	245
3	6,250	4,824	4,818	3,946	4,277	4,823	145	241
4	31	35	46	64	63	48	1	2
5	1,483	995	1,079	1,274	834	1,133	34	57
6	220	273	224	263	251	246	7	12
7	8	5	5	19	20	11	0	1
<b>Total</b>	<b>16,584</b>	<b>14,772</b>	<b>14,282</b>	<b>12,216</b>	<b>12,959</b>	<b>14,163</b>	<b>425</b>	<b>708</b>

Table 2. Estimated user days for duck and goose hunters by IDFG Region 2006 to 2009 from IDFG surveys.

<b>Duck Hunter Days</b>								
<b>Region</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>Average</b>	<b>3%</b>	<b>5%</b>
1	13,254	13,332	13,983	7,758	11,056	11,877	356	594
2	1,024	3,109	3,307	5,379	4,036	3,371	101	169
3	76,262	75,430	89,866	88,016	71,050	80,125	2,404	4,006
4	43,232	32,803	46,111	44,709	44,511	42,273	1,268	2,114
5	28,461	23,018	27,517	22,732	22,050	24,756	743	1238
6	19,625	21,503	21,272	25,156	27,006	22,912	687	1146
7	2,105	2,471	1,789	2,691	1,553	2,122	64	106
<b>Total</b>	<b>183,963</b>	<b>171,666</b>	<b>203,845</b>	<b>196,441</b>	<b>181,263</b>	<b>187,435</b>	<b>5,623</b>	<b>9,372</b>
<b>Goose Hunter Days</b>								
<b>Region</b>	<b>2005</b>	<b>2,006</b>	<b>2,007</b>	<b>2008</b>	<b>2009</b>	<b>Average</b>	<b>3%</b>	<b>5%</b>
1	9,158	11,001	10,307	5,886	7,374	8,745	262	437
2	986	2,451	1,887	2,482	1,307	1,823	55	91
3	48,427	46,115	38,191	48,283	36,449	43,493	1,305	2,175
4	25,901	18,773	27,047	27,173	20,863	23,951	719	1,198
5	23,114	16,501	18,070	13,851	18,371	17,981	539	899
6	13,368	13,731	12,642	12,750	12,659	13,030	391	651
7	1,650	1,076	1,787	521	1,069	1,221	37	61
<b>Total</b>	<b>122,604</b>	<b>109,648</b>	<b>109,932</b>	<b>110,944</b>	<b>98,093</b>	<b>110,244</b>	<b>3,307</b>	<b>5,512</b>

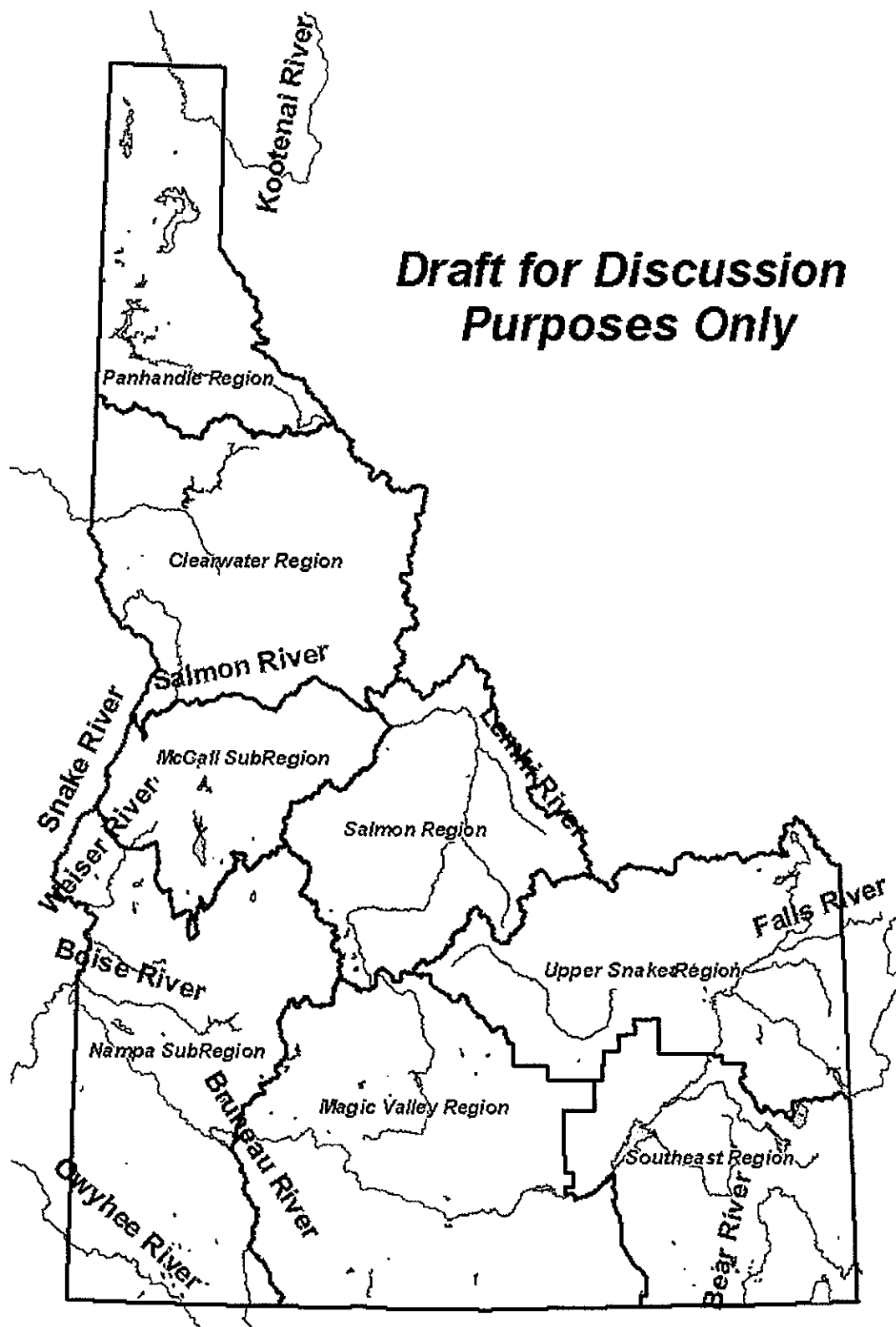


Figure 2. Draft map of navigable huntable waters in Idaho (for discussion purposes only).

The group then reviewed the scoring of the five solution packages. While there were some inconsistencies caused by member values affecting scoring, the average scores were close on

four of the five solutions. At this point a sixth solution package, Solution F, was introduced by staff. Because it took the ideas from each package and was deliberately designed to score well against the criteria, the group agreed that this solution was the best compromise so far, and was worth further discussion. Several issues were identified as needing refinement, including:

1. The requirement that landowners become licensed outfitters,
2. The suggested 300 foot riparian buffer on waterfowl outfitting
3. The minimum land requirements for turkey and waterfowl outfitting,
4. Where to set the hunter/hunting-day limits within the 3-5% range,
5. Whether there should be additional Access yes charges placed on outfitting,
6. The suggested prohibition on outfitting turkeys or waterfowl on public land, and
7. Where to set area-based caps for waterfowl and turkey.

The **fifth meeting** was held October 28 by videoconference with people in Lewiston, Idaho Falls, Twin Falls, and Boise offices of IDFG. After some discussion on making the moratorium permanent (reported earlier), the group spent most of its time on the list of issues with the compromise Solution F:

1. **The requirement that landowners become licensed outfitters** – This creates a major administrative hurdle with a number of problems. The sportsmen acknowledged that this suggestion was driven by fears that outfitters would accumulate large amounts of private land over time and tie up access for large areas. This led to two ideas. Setting maximum acreage limits for outfitters was discussed, but ruled impractical due to differing land requirements on different types of habitat. The second idea was to limit the outfitter's permit to the land they own or have existing leases at the time of application, with no future land amendments allowed. If a lease was lost for some reason, the outfitter could apply only to replace that amount of land with another lease. Existing turkey or waterfowl outfitters would get a single chance to amend their operation to include additional existing leases. This proposal had promise of working smoothly with the other limitations and seemed to address sportsmen fears.
2. **The suggested 300 foot riparian buffer on waterfowl outfitting** - *The group agreed that an exception could be added to this statement for game retrieval and for dog control. However, there was no consensus reached on retaining this provision.* The primary objection continued to be that landowners had just as much right to conduct hunts on their riparian land as other hunters had to hunt the waters off their land. The group discussed operating a second experimental program to allow up to two waterfowl outfitters per IDFG region, over and above the current existing four waterfowl outfitters. After 3-5 years, a report evaluating this program's performance shall be issued to the public. If no report is issued, the outfitters must cease operations by the end of Year 6.

A second alternative was the idea of designating a list of High Hunting Pressure/High Potential Conflict zones within the state where waterfowl outfitting would be prohibited. The list would include the Snake River from, perhaps Swan Falls to the Idaho border, a portion of the mid-Snake River near Twin Falls, and likely some portion of the Lower Clearwater River. The exclusion could be for weekends only, or with other timing stipulations. This proposal would need some sort of measure of hunting pressure developed by IDFG that could justify the exclusion.

3. **Minimum Land Requirements** - *The group agreed to stay with the Turkey provision of 160 acres minimum with no fewer than 50 acres per parcel.*

*For waterfowl hunting, the group agreed to a minimum of 100 contiguous acres.*

4. **Where to set the hunter/hunting-day limits within the 3-5% range** - *The group agreed that turkey outfitting should be limited to a maximum of three per cent of actual turkey hunters (not the number of tags) per region, using a 5-year moving average of IDFG data.*

*For waterfowl, the group agreed that waterfowl hunting should be limited to a maximum of three per cent of the larger of the estimated duck or goose hunter-days per region, using a 5-year moving average of IDFG data.*

5. **Access Yes surcharges** – *This provision was dropped with broad consensus. While outfitters remained willing to pay into the Access Yes program, the ideas were not administratively efficient for the amount of funds collected. Both sides would prefer to have additional Access Yes revenue sources that were more broadly based.*
6. **Prohibiting Public Land** - *For turkeys, the group agreed to this statement: Outfitting for turkeys on federal lands will not be initiated by the IOGLB.*

*For waterfowl, there was no consensus reached by the group on prohibiting waterfowl outfitting on public land or waters.*

7. **Setting area-based caps**

*The group agreed to drop the area-based cap for turkey outfitting. They felt the other limitations were sufficient.*

*For waterfowl outfitting, the group instructed staff to develop a table of what five percent of private waterfowl habitat was in acres per county. If possible, they would like to see irrigated and dry farmland separated for southern Idaho counties.*

The **sixth meeting** was held by teleconference the evening of Thursday, December 9. Although the remaining issues for the compromise Solution F had been whittled down to four, three hours of discussion yielded only a weak consensus to keep an area cap on irrigated and dryland agricultural land by county for outfitted waterfowl hunting (Table 3). The level of the cap was debated vigorously. Sportsmen asked why 3% of hunter-days required 5% of private lands, and landowners asked why any area-based cap was needed given the 3% hunter-day cap and the economic constraint of land leases being limited by the amount of client revenues. The landowners questioned additionally how the public could be impacted by a potential 3% opportunity loss. The debate on the other three issues is summarized below.

Table 3. Estimated 5% area, in acres, by land use type by county

<u>County</u>	<u>Agriculture</u>				<u>Total</u>
	<u>Dryland</u>	<u>Irrigated</u>	<u>Riparian</u>	<u>Water</u>	
Ada	896	6,016	128	128	7,168
Adams	0	2,048	64	64	2,176
Bannock	9,856	4,544	896	960	16,256
Bear Lake	2,624	6,848	1,024	3	12,224
Benewah	7,936	0	0	128	8,064
Bingham	4,160	22,720	640	1	28,096
Blaine	448	6,400	1,024	384	8,256
Boise	0	448	0	64	512
Bonner	10,496	0	0	5,504	15,936
Bonneville	13,824	9,728	1,792	768	26,112
Boundary	7,232	0	0	0	7,232

Table 3. Continued.

Butte	0	5,056	448	0	5,504
Camas	5,760	1,280	192	64	7,232
Canyon	64	16,384	64	384	16,896
Caribou	12,352	4,800	704	896	18,752
Cassia	6,912	17,472	64	192	24,704
Clark	0	5,376	0	0	5,376
Clearwater	5,760	0	0	1,024	6,784
Custer	0	7,808	1,600	128	9,472
Elmore	1,408	6,080	1,408	448	9,280
Franklin	2,944	6,400	192	0	9,536
Fremont	2,304	8,320	1,408	704	12,736
Gem	0	3,072	0	64	3,136
Gooding	0	7,296	576	64	7,936
Idaho	20,672	320	0	0	20,928
Jefferson	128	14,720	1,600	0	16,448
Jerome	0	10,688	256	0	10,944
Kootenai	11,584	0	1,792	1,984	15,360
Latah	23,296	0	0	0	23,296
Lemhi	128	8,576	0	0	8,704
Lewis	13,632	0	0	0	13,632
Lincoln	0	6,016	0	0	6,016
Madison	3,520	7,104	768	0	11,392
Minidoka	0	10,880	128	0	11,008
Nez Perce	18,624	0	0	0	18,624
Oneida	13,056	3,712	0	0	16,768
Owyhee	384	11,008	9,920	256	21,632
Payette	0	4,544	128	64	4,736
Power	13,696	8,064	64	1,024	22,784
<b>TOTAL</b>	<b>213,696</b>	<b>233,728</b>	<b>26,880</b>	<b>15,300</b>	<b>491,648</b>

**The requirement that landowners become licensed outfitters** – Little progress was made in this discussion. Landowners pointed out that their insurance costs would go up by several thousand dollars if they started outfitting, while an existing outfitter could add private land for much less cost. The insurance cost alone would make a profitable outfitting business for a single set of private land unlikely. Sportsmen were opposed to any leasing of land for outfitting. Thus, the most plausible compromise of allowing leased land only at the time of application was blocked.

**The 300 foot buffer on riparian private land for waterfowl outfitting** – This proposal led again to a long discussion about the property rights of landowners to outfit on waters adjacent to their land versus the threat of outfitters impeding the right of the non-outfitted public to hunt the public waters. The sportsmen viewed the 300 feet as a buffer zone roughly the length that shotgun shot could be dangerous that would serve to calm the fears of hunting conflicts. The pilot program idea was modified by IOGA to add up to 14 waterfowl outfitters statewide, with IOGLB analyzing regional impacts carefully to avoid increasing potential conflicts. This pilot program idea might be acceptable to sportsmen if there were no decoy sets upon the public waters by outfitters, and if the orientation of the outfitter blinds was not over public water, i.e. hunting sets over sloughs/wetlands perpendicular to the public water, private ponds, feeding areas inland, or non-hunttable waterways. The group agreed that some public lakes may be exceptions where private outfitting would not conflict with non-outfitted hunters. However, the landowner representatives see the 300 feet buffer as a discrimination against their property rights and a non-starter. They feel the 3% hunter-day cap is sufficient insurance that outfitting will not take over prime hunting areas. Outfitters were comfortable with the pilot program and noted that the IOGLB process would address the need for buffer zones. However, they felt it needed to include leased lands to be a true pilot. The sportsmen

were still opposed to a pilot that included leased land. The set of restrictions may be so extreme that it would not be a true pilot program, because few would see the reward potential exceeding the risk and hassle.

The idea of designating a list of High Hunting Pressure/High Potential Conflict zones within the state where waterfowl outfitting would be prohibited was raised again. The list could include the Snake River from, perhaps Swan Falls to the Idaho border, a portion of the mid-Snake River near Twin Falls, and some part of the Lower Clearwater to address potential conflicts with steelhead fishing. This proposal would need some sort of measure of hunting pressure that could justify the exclusion, and IDFG asserted that this would be possible to develop with surveys during the season. The exclusion zone idea has merit for two reasons. First, it could be adapted so that the exclusions match the time of most hunting pressure, e.g. weekend exclusion. The second advantage was the transparency of this option. The proposed exclusion areas would appear in rules and could be debated by all, and fine tuned over time. The use of survey data or other statistical measure (hunter-days per acre of prime habitat or acre of public water) would make the judgment about high hunting pressure more objective.

In the end, the group failed to reach consensus on this issue. Protecting public waters appears to be the sportsmen's' biggest concern. A prohibition on direct waterfowl outfitting over public, huntable waters, after the list of such waters is clearly defined, or the exclusion zone concept exercised with an objective statistical measure, still appear to be reasonable policy compromises in the opinion of the facilitator. In either case, exceptions should be clearly stated for outfitters to enter public waters for game retrieval, and dog safety.

**Prohibiting waterfowl outfitting on public land or water** – A short discussion established that the same hard positions by sportsmen and landowners over the 300 foot buffer applied to this issue. No consensus could be reached on this issue.

## **Conclusion**

The advisory group worked through all the issues, but failed to reach agreement on whether and to what degree additional outfitting for turkey and/or waterfowl hunting should be allowed. In the end, the groups represented stayed rigid in their positions. Their groups' positions prevented members from reaching a compromise solution. Nevertheless, the decision space for a compromise policy by the Board (and Commission) has been described quite clearly.

The remaining differences in the compromise known as Solution F come down to two issues:

1. **Whether and to what degree outfitters should be allowed to lease private lands.**

To sportsmen, leasing feels like a slippery slope that could end with large blocks of the best private land held exclusively for outfitting. This fear was the prime driver for the requirement that landowners themselves become licensed outfitters. Another fear for waterfowl hunters was that outfitters might focus on leasing numerous small tracts of prime riparian land. For landowners, leasing represents the only practical way to gain revenue from outfitting. In terms of the business of outfitting, the 3% cap on hunters or hunter-days places a ceiling on outfitting that indirectly becomes a ceiling on how much private land could be profitably leased through outfitting fees. There is room for the Board to implement a compromise with strict leasing limits, both in terms of acres and number of landowners leased from, that would address sportsmen's' fears and make outfitting feasible up to the 3% caps.



2. **Whether and to what degree to allow waterfowl outfitting on private riparian land.** The prohibition against allowing outfitting on public water and the 300 foot riparian buffer are two different ways of addressing a fear that outfitters might compete with non-outfitted hunters for waterfowl hunting locations on or over public waters. There is no issue on waterways that are so narrow that hunting cannot occur without the shot passing onto private land. Similarly, the issue with riparian land is the potential to orient hunting from the banks of private land out over public waters. If this orientation were excluded, it may still be possible to orient hunters on private land toward wetlands or private ponds that will not conflict with hunters on public waters. Exclusion of outfitting from a delineated set of public and huntable waters would also address this sportsmen concern.



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## Attachment B. Summary of State Fish and Wildlife Agency responses to Turkey and Waterfowl Hunting Survey.

State fish and wildlife agencies were sent a list of questions regarding outfitting for turkey and waterfowl hunting to provide background information for the Idaho Outfitted Waterfowl and Turkey Advisory Work Group. The correspondence was delivered to the agency's director (Appendix A.). We received responses from 24 states. Our interpretation of the information is summarized below followed with specific responses from each state included in Appendix B.

### Summary

20 states allow outfitting on public land and 23 states allow outfitting on private land (Table 1). Minnesota prohibits turkey outfitting by state law, North Carolina did not specify whether or not outfitting is allowed.

### How have outfitted and guided hunts affected turkey and waterfowl hunters in your state?

- Over half of the states indicated that turkey and waterfowl outfitting had minimal impacts to turkey and waterfowl hunters (Table 1)
- Four states (Arkansas, Colorado, Utah, Washington) indicated outfitting negatively affected waterfowl hunters
- Four states (California, Nebraska, Nevada, Texas) indicated outfitting had positive and negative affects to access for turkey and waterfowl hunting.

### To what degree is there competition between outfitters and non-outfitted hunters for access to private land for turkeys? For waterfowl?

- 19 states did not perceive (or perceived as minimal) competition between outfitters and non-outfitted turkey hunters (Table 2)
- 18 states did not perceive (or perceived as minimal) competition between outfitters and non-outfitted waterfowl hunters

### Does your agency reserve or regulate hunting sites for waterfowl or turkey on lands you control or pay for access to?

- 12 states reserve or regulate hunting sites for turkey hunting (Table 3)
- 19 states reserve or regulate hunting sites for waterfowl hunting

Table 1. Summary of responses by state agencies regarding whether commercial guiding is allowed on public or private lands and their opinion on the affect of this activity on the non-outfitted hunter.

	<u>Guiding allowed</u>		<u>Affect</u>		Comment
	Public	Private	Waterfowl	Turkey	
Alabama	Yes	Yes	No	No	
Alaska	Yes	Yes	No	N/A	No turkeys in Alaska
Arizona	Yes	Yes	No	No	
Arkansas	No	Yes	Yes	Unk	Changed rules to prohibit guiding on public land
California	Yes	Yes	Both	Both	
Colorado	Yes	Yes	Yes	Yes	
Delaware	Yes	Yes	Unk	Unk	No guiding for turkeys, nothing preventing it
Florida	Yes	Yes	No	No	
Indiana	Yes	Yes	Unk	Unk	
Kentucky	Yes	Yes	No	No	
Minnesota	Yes	Yes	No	Unk	Guiding for turkeys prohibited by law
Mississippi	Yes	Yes	No	No	
Nebraska	No	Yes	Both	Both	
Nevada	Yes	Yes	Both	Both	
New Hampshire	Yes	Yes	No	No	
North Carolina	Unk	Unk	unk	Unk	
Ohio	Yes	Yes	No	No	
South Carolina	No	Yes	No	No	
South Dakota	Yes	Yes	No	No	
Texas	Yes	Yes	Both	Both	
Utah	Yes	Yes	Yes	No	
Washington	Yes	Yes	Yes	No	
Wisconsin	Yes	Yes	No	No	
Wyoming	Yes	Yes	No	No	

Table 2. Response by states to the question of whether there is competition between outfitted and non-outfitted waterfowl and turkey hunters.

	<b>Turkey</b>	<b>Waterfowl</b>
Alabama	No	No
Alaska	No	No
Arizona	No	No
Arkansas	No	No
California	Yes	Yes
Colorado	Yes	Yes
Delaware	No	No
Florida	No	No
Indiana	No	No
Kentucky	No	No
Minnesota	N/A	No
Mississippi	No	No
Nebraska	Yes	Yes
Nevada	No	No
New Hampshire	No	No
North Carolina	N/A	N/A
Ohio	No	No
South Carolina	No	No
South Dakota	No	No
Texas	No	No
Utah	No	Yes
Washington	No	Yes
Wisconsin	No	No
Wyoming	No	No

Table 3. Response of states to the question does your agency reserve or control provide managed access for turkey or waterfowl hunting?

	Turkey	Waterfowl
Alabama	No	yes
Alaska	No	No
Arizona	No	No
Arkansas	Yes	Yes
California	Yes	Yes
Colorado	Yes	Yes
Delaware	No	Yes
Florida	No	No
Indiana	N/A	N/A
Kentucky	No	Yes
Minnesota	No	Yes
Mississippi	Yes	Yes
Nebraska	No	No
Nevada	No	Yes
New Hampshire	No	No
North Carolina	Yes	Yes
Ohio	Yes	Yes
South Carolina	Yes	Yes
South Dakota	No	Yes
Texas	Yes	Yes
Utah	Yes	Yes
Washington	Yes	Yes
Wisconsin	No	Yes
Wyoming	Yes	Yes

Appendix A. Correspondence requesting information from state fish and wildlife agencies.

**Subject:** Information on Outfitting and Guiding for Turkeys and Waterfowl

Good afternoon Directors,

On behalf of Director Cal Groen

Idaho currently does not allow for outfitting and guiding for turkey and waterfowl hunting on all land in the state. Idaho has a much regulated Outfitting Industry and requests by outfitters and private landowners for licenses to outfit for turkey and waterfowl have become conflict ridden between sportsman, landowners and outfitters. We are engaged in a facilitated process with effected users to see if collaborative solutions can be found. To that end we have been asked by the collaborative group to see what information/experience other states might have with these issues.

If you could have your agency help us by answering the following questions it will help us. We will provide you a report back on the responses and the results of Idaho's efforts to find solutions.

1. How have outfitted and guided hunts affected turkey and waterfowl hunters in your state?
2. To what degree is there competition between outfitters and non-outfitted hunters for access to private land for turkeys? For waterfowl?
3. Does your agency reserve or regulate hunting sites for waterfowl or turkey on lands you control or pay for access to?

If we could get a response back by May 10<sup>th</sup> that would be appreciated.

Please email responses to [virgil.moore@idfg.idaho.gov](mailto:virgil.moore@idfg.idaho.gov)

If you have questions please call 208-334-3771.

Thank you for your assistance.

Regards,

Mary

Mary Boyer  
Executive Assistant  
Director's Office  
Idaho Department of Fish and Game  
208.334.3771

## Appendix B. Responses by States Agencies to the request for information.

*How have outfitted and guided hunts affected turkey and waterfowl hunters in your state?*

**Alabama-** We have not received negative comments from the turkey or waterfowl hunters that guided or outfitted hunters have affected them.

**Alaska-** Alaska does not have quantitative information by which to answer this question. Although Alaska requires that waterfowl guides register with the state on an annual basis and obtain a waterfowl guide license, we have no information on how many of them actually guide during a year or the number of clients they guide. Currently there are fewer than 200 individuals that register as potential waterfowl guides each year, but in most situations waterfowl hunting is secondary to big game guiding and not the primary purpose of the hunt.

We do maintain a list of registered waterfowl guides that we use as contact information in the event of in-season regulation changes and to provide some indication of the general interest in providing guide services for waterfowl hunters.

We are not aware of any significant conflict between guided and unguided waterfowl hunters. The number of true waterfowl guides is small and guiding often occurs through remote lodges that offer a variety of guided hunting services and most often these are away from areas often frequented by unguided waterfowl hunters, whether those unguided waterfowl hunters are resident, non-resident, or subsistence hunter.

**Arizona-** So question 1 (How have outfitted and guided hunts affected turkey and waterfowl hunters in your state?) could best be answered by "minimally." Most guides do so for big game in Arizona, and while there is limited guiding for turkeys and waterfowl, those guided hunters must participate for the most part on the same land and areas that non-guided hunters participate. Turkey (which are big game in Arizona) hunting is regulated by lottery draw in most units (only those who are drawn may participate, excepting archers and juniors hunters), and all hunters tend to have access to similar areas. Waterfowl hunting is not extremely popular in Arizona, but I am unaware of any conflicts on that front.

In recent years, we have had some guides buying up access to fairly large private tracts of land for hunting of elk and pronghorn, a cost that they obviously pass along to their clients. Turkey and waterfowl hunting in Arizona thus far have not brought sufficient interest to cause these types of conflicts. Because access to public lands is challenging within some of our areas with Gould's turkey and the number of permits are very limited, the potential for these conflicts do exist.

**Arkansas-** Currently guiding is not allowed on public land. However, that has not always been the case and prior to the prohibition, in the case of waterfowl hunting, guiding greatly added to overcrowding issues on state-owned waterfowl areas. We really don't have a whole lot of information on turkey guiding. Both are permitted on private land with a guide license required.

**California-** Guides are required to be licensed through the Department and they affect turkey hunters by a) locking up lands that might have been available on a "ask" basis or a lease basis, and by b) providing a way for beginning or time-limited hunters to hunt; guided turkey hunts are probably more successful and are indeed valuable to a segment of the public.

Historically, waterfowl guiding at Tulelake and Lower Klamath NWRs created stress and competition for "regular" hunters as the guides had faster boats, and did a few things to out-compete regular hunters for spots. Similar to the turkey hunting situation, waterfowl guides in

the Central Valley provide access, gear (decoys, trained dogs) to give a few hunters quality hunting experiences, especially for geese.

**Colorado-** In Colorado, the impact outfitted and guided turkey and waterfowl hunts have on other turkey and waterfowl hunters is varied and dependant on numerous factors, the most relevant of which is the amount of public land available for hunting. Those areas with abundant public land hunting generally reported that outfitting had a lesser impact on waterfowl and turkey hunting, while those areas with little to no public land hunting generally reported significant impacts on waterfowl hunting, and to a lesser extent turkey hunting. Colorado is an interesting case study, as public land is abundant in the western part of the state and very limited in the eastern part of the state (see Fig. 1). Impacts of outfitting in the eastern part of the state were reported to be more significant than those in the western part of the state, although some western areas with a high percentage of riverfront private property also reported a significant impact.

In Colorado, the most significant impact of outfitting is the leasing of private hunting grounds. As quality hunting parcels that were once available to the general public are leased by clubs and/or outfitters, they become unavailable or too costly for the average hunter, thus reducing the amount of overall hunting opportunity. In addition, a common practice, especially among those who outfit goose hunting, is the leasing of large tracts of land and holding many fields in reserve. Those properties are often not hunted, resulting in less total hunting opportunity in that area. A natural result of the reduction in hunting opportunity on private land is that more hunters gravitate towards public land parcels, thereby increasing the pressure on available public hunting areas.

Other reported impacts included:

- Outfitters drawing birds away from non-outfitted land with larger more persistent decoy spreads
- Outfitters potentially affecting feeding areas through modified agricultural practices
- Outfitters consistently shooting and pressuring birds, which may drive them out of the area and make them unavailable to other, less persistent hunters

**Delaware-** only have about 12 guides in the state and they are not guiding for turkey at this time even though there is nothing preventing it.

**Florida-** Wild Turkey: When our public lands quota permits were transferable, there were multiple reports of turkey hunting guides monopolizing the application process to obtain hunts on high demand areas and then transfer the permit to the client at a cost for the service. This was reportedly decreasing chances of other hunters getting selected. Now that quota permits are non-transferable, this is no longer the case. We suspect outfitters and guides have contributed to a decreased availability of private lands to the general turkey hunter, at least in the Osceola subspecies range.

**Waterfowl:** . Waterfowl guides are fairly limited in Florida (as compared to Arkansas, etc) except on a few areas like Lake Okeechobee in particular. We do not hear from constituents about this issue so assume the impacts are relatively minimal (at least on public areas).

**Indiana-** We have not had complaints about outfitters per se, but have many complaints about private land being leased, resulting in fewer acres being available to the individual hunter. We are sure that some of these acres are being leased by outfitters as opposed to groups of hunters, but are unsure how prevalent this is because outfitters are not licensed in Indiana.

**Kentucky-** In Kentucky, all commercial guides are required to apply for a commercial guide license from the Kentucky Department of Fish and Wildlife Resources (KDFWR). In 2009, the KDFWR granted 183 (172 resident and 11 nonresident) commercial guide licenses. With an estimated 90,000 spring turkey hunters and 26,000 adult waterfowl hunters in Kentucky, the



small percentage of licensed commercial guides are having minimal, if any, impacts on turkey or waterfowl hunters.

**Minnesota-** There are no regulated turkey or waterfowl guides or outfitters in Minnesota. Turkey guiding for compensation is expressly forbidden in state statute. A few waterfowl guide/outfitters do work in the state, but they are few in number. Minnesota hunters tend to be pretty self-sufficient, plus "liberal" public water access laws have limited the number of guides who make a living hunting waterfowl.

**Mississippi-** Currently, Mississippi does not license or regulate guides nor outfitters.

**Nebraska-** The state of Nebraska does not currently regulate outfitting or guiding except that it is **not** allowed on public lands. Guides/Outfitters have leased lands and have limited the access or opportunities for private individuals, sometimes on areas where private individuals have accessed or leased this land for a number of years. There have been some complaints of guiding on some public lands, which is illegal in Nebraska. Outfitters do bring in nonresident hunters, generating income for the state.

**Nevada-** There are only a few Master guides for turkey and waterfowls hunts, specifically geese, with the majority of the guiding activity taking place in the Mason Valley, Lahontan and Fallon areas. It appears that guiding activity for both has not adversely affected hunting opportunity for non-guided hunters. Non-guided hunters are either hunting public land, privately owned land which is opened to the public or on state wildlife management areas. It appears that there are not any problems associated with non-guided hunters competing with guides in drawing for waterfowl blinds on WMA's. Although problems with the drawing of blinds exist,

problems are not a result of a guide activities. A positive result of guided hunts for turkey and waterfowl, particularly in the Mason Valley area, is that guides have leased private lands for hunting from landowners who would otherwise not allow hunting to the general public. Landowners would rather have one person or entity who is responsible for their hunter's activities than many hunters who may obtain access but are not responsible enough to pick up their trash when they leave. Even those property owners who don't want to lease hunting rights to a specific guide and would allow hunting for a trespass fee to any hunter, still seem to be more advantageous to mainly those hunters utilizing a guides service since local and non-guided hunters are usually not willing to pay trespass fees.

With unlimited turkey tags being sold for the Mason Valley area coupled with the opportunity for good waterfowl hunting, particularly geese, guides have filled the niche for providing opportunity to hunt on private land for those, specifically non-resident and well-to-do resident hunters who are willing to pay approximately \$400 to hunt a turkey or \$200/day to hunt geese on property that would otherwise be left un hunted by the public.

**New Hampshire-** I am not aware of anyone currently guiding waterfowl, although that does not mean it is not happening. As to how guiding may have affected turkey & waterfowl hunting, I can't say we have noticed any impact.

**North Carolina-** Regarding the first two questions, we have no data nor speculation to offer.

**Ohio-** We do not license outfitters and guides in Ohio. No significant conflicts noted.

**South Carolina-** Outfitted and guided hunts are not a big program within South Carolina - where it occurs it is on private lands and the impact on hunters is not a significant issue.

**South Dakota-** Turkey: Statewide, there has been little impact on turkey hunting. There are a few select areas and counties where commercial turkey hunting occurs, however it is not at a level that has prohibited turkey hunting opportunities. Waterfowl: Statewide, there has been little impact on waterfowl hunting. South Dakota has plenty of public areas that provide quality waterfowl hunting thus eliminating most, if not all, competition.

**Texas-** It is likely that outfitting turkey and waterfowl hunts is beneficial in Texas, but Texas is a large state and there are plenty of opportunities for non-guided hunts on private property, whether it is owned or leased for hunting. Additionally, if someone wants to go on a goose or duck or turkey hunt, and they don't have the skill or equipment, they can go with someone that can guide them and teach them.

**Utah-** It is difficult to fully evaluate the impact of turkey and waterfowl guides and outfitters on hunters in Utah because unlike big game outfitters, they are not required to be licensed or registered. We therefore do not know how many are operating in Utah, and how many clients are requesting their services.

**Utah continued.** We currently allow waterfowl and turkey guiding on our state operated Wildlife Management Area's, but guiding is not allowed on federally managed Migratory Bird Refuges.

We have received complaints from waterfowl hunters regarding guides on state operated Waterfowl Management Areas (WMA's). Our WMA's support over 40% of all waterfowl hunting statewide, and therefore are intensively used by the public. Complaints generally involve displacement of unguided hunters from key areas occupied by guides and their clients. We have not received similar complaints from turkey hunters, which may be related to the relative abundance of public areas open to turkey hunting.

The Utah Waterfowl Association is currently pursuing rule changes that will require current guiding and licensing rules to apply to waterfowl hunting, and also are seeking elimination of guiding on state managed WMA's. This is evidence of what appears to be growing intolerance of waterfowl guiding at least on intensively used public areas.

**Washington-** In general, this has not been a major issue for hunters in Washington, except for waterfowl hunting on state managed property. There are some concerns from hunters about outfitters and hunt clubs locking up some of the better waterfowl hunting areas, but not a lot. At this point, outfitters and hunt clubs have not been viewed as much of an issue for turkey hunting.

**Wisconsin-** The benefits to turkey and waterfowl hunters have probably been minimal because they constitute a very small amount of the hunting activity that takes place. Outfitted hunts for turkeys do create competition for access to private lands that put the more casual, recreational hunter at a disadvantage for access to hunting areas. Survey information shows that this problem is probably not significant yet as access to hunting areas for turkeys is rated as good.

Results of Wisconsin survey- A total of 4,350 spring turkey hunter surveys were returned. After duplicates were removed, the resulting response rate was 43.4%. The proportion of respondents who applied with landowner preference for this spring's turkey hunt permit was

18.8% (Table 1, Question 1). Statewide, 41.0% of the respondents have 0-5 years of spring turkey hunting experience and 11.4% have 16+ years of experience (Table 1, Question 2). Surveyed hunters were asked how difficult it was to find a place to hunt in the spring of 2007, and 87.6% of the respondents said it was 'very easy' or 'somewhat easy' (Table 1, Question 8). Spring turkey hunters were also asked to report the days on which they hunted. Hunting pressure was relatively constant with more pressure on Saturday as well as Friday (Table 1, Question 9). Hunters averaged 3.3 days a field perusing turkeys.

Most respondents (91.6%) hunted on private land or a combination of private and public lands (Table 1, Question 14). One-fifth (20.0%) responded to "other hunters kept me from hunting where I wanted to" with 'definitely yes,' or 'somewhat.' Similarly, 16.4% of respondents answered "there was too much competition from other hunters where I hunted" with 'definitely yes,' or 'somewhat.' However, only 12.0% of the respondents indicated that other hunters interfered with their chance to bag a bird (Table 1, Question 15).

The same is probably true for waterfowl hunting - no great benefit to most hunters. Outfitted hunts do create competition for access to private lands that put the more casual hunter at a disadvantage. Much of Wisconsin's waterfowl hunting activity takes place on public lands, however. Access is not an issue that hunters have raised as a significant concern during surveys or through public input in our recently update waterfowl management plan.

**Wyoming-** Outfitted and guided hunts for turkey and waterfowl have a minimal effect on hunters. In some areas of Wyoming there has been an increase in outfitted and guided hunts for turkey, primarily in northeast Wyoming. This is in large part due to higher densities of turkeys in this portion of the state. Outfitters and guided hunts for waterfowl seem to concentrate in southeast Wyoming. Both with turkey and waterfowl outfitted/guided hunts, hunting access seem to be the most affected.

To what degree is there competition between outfitters and non-outfitted hunters for access to private land for turkeys? For waterfowl?

**Alabama-** Almost all hunting in Alabama is on private lands, much of which is under lease. Outfitters or commercial hunting operations present no more competition than non-guided hunts.

**Alaska-** Because of the size of Alaska and the land ownership patterns in the state there is not any reported competition for guiding on private land. The number of waterfowl hunters in Alaska is very low, particularly relative to the size of the state and competition between guided and non-guided hunters is not a management problem.

**Arizona-** Question 2 (competition for private land for guided hunts on turkey and waterfowl) has not posed much of a threat to date in Arizona. Virtually all turkey hunting is on public land, and access to public land for turkey and waterfowl hunting is probably the greatest potential for this to develop. To date, it has not been much of an issue, if at all. Again, waterfowl hunting in Arizona has a fairly limited following.

**Arkansas-** Almost all of the private land in Arkansas where waterfowl hunting occurs is either hunted by the landowner or leased to hunters. We really don't have outfitters per say; however, there are duck clubs that do charge by the day or by the person. Usually they have a lodge and provide room and board. Hunters can access private land with landowner permission for both turkey and waterfowl if the landowner is willing.

**California-** Private lands offer some of the best hunting opportunities for both turkeys and waterfowl in California and many of those lands are leased. Some level of competition exists which is mostly resolved through economic competition between guides and non-outfitted hunters with the landowner.

**Colorado-** Competition between outfitters and non-outfitted hunters is embodied largely in an indirect fashion through the competition for access to hunting areas. In high demand waterfowl areas, it is very difficult for the average hunter to obtain permission on private ground without leasing the land or hiring an outfitter. As described above, competition for access to private hunting leases is significant, and such leases often are possessed by outfitters. In some cases, outfitters tend to have existing leases for other species and landowners extend those leases for waterfowl and turkeys often at no additional cost due to existing relationships. In this way, some outfitters are able to leverage their previous expenditures and "lock up" private lands with turkey or waterfowl potential, even though in many cases the outfitter is not hunting these species.

In addition, the competitive nature of some outfitters has reportedly led to territorial disputes, aggressive interactions with hunters, and, in extreme examples, reports of sabotage of others' fields (foiling and other techniques). The aggressive nature of some outfitters has reportedly discouraged some landowners from allowing people to hunt, with some who previously would lease hunting areas on a "per-day" basis discontinuing the practice all together.

Reported conflicts were less significant for turkey. In Western Colorado, private land parcels tend to exist along the lowland river corridors with significant public land in the uplands.

Therefore, while competition for hunting areas along river corridors might be relatively high, significant upland hunting opportunity minimizes the competition for turkey hunting areas. This is not the case for waterfowl hunting areas, which in Western Colorado are focused largely on

the river corridors. Therefore, when quality private hunting areas exist, they often garner the interest of outfitters, and public opportunity is generally less available.

**Delaware-** With only about 12 guides, there does not appear to be any conflict.

**Florida- Wild Turkey:** With respect to private land, especially in the Osceola range, we have heard of landowners effecting separate leases for turkey to increase revenue (i.e., outside of the typical "deer" lease which enables the hunting of all legal species). They lease turkey hunting rights to outfitters or hunters or offer hunts themselves. Even outside of this, it is unlikely that a general hunter would have access to these lands so not sure if it is taking away from the average hunter. Could argue that it increases the lease fees and thus makes it less available.

**Waterfowl:** We are not aware of incidents involving competition for waterfowl leases between guides and hunters here in Florida. This may be due in part to the availability of public areas open to hunters. Waterfowl leases seem to be increasing in price (based on a few lease holders we know), but these properties are already priced above the average citizen's ability to pay. Many of these are "corporate" type leases/subleases. One possible impact of guides are increased lease costs for private duck ponds.

**Indiana-** see above

**Kentucky-** In Kentucky, approximately 93% of all land holdings are private. As a result, any competition between outfitted and non-outfitted hunters would most likely occur on private land. Based on the proportionally low number of licensed outfitters and minimal public comment regarding competition for hunting space, however, it appears this is not a significant issue in Kentucky.

**Minnesota-** None for turkeys (see above), and very little (but not unheard of) from waterfowl outfitters.

**Mississippi-** Very little competition because over 90% of Mississippi is privately owned.

**Nebraska-** Competition between outfitters and non-outfitted hunters is likely to increase. There haven't been significant complaints concerning turkey or waterfowl hunting, but rather access to areas that have been leased by outfitters, thus limiting public access to waterfowl hunting.

**Nevada-** Competition between guides and non-guided hunters for access to private land to hunt turkey and waterfowl is very minimal. You either have hunters that are willing to pay the trespass fee or they aren't. Unfortunately those that are not using a guides service are the same hunters that are often not willing to pay what they often consider outrageous trespass fees to hunt private land. Sometimes the property owner is not willing to allow individual hunters to trespass, and only do so on a case by case basis because they want to lease the sole rights out for a larger fee to one individual who they can hold responsible for problems. With Nevada being mostly public land (87%) there still seems to be way more competition and complaints from non-guided big game hunters relative to gaining access through private lands in order to hunt public lands for big game animals (primarily in Elko, Humboldt and Washoe counties) than what we encounter for turkey and waterfowl.

**New Hampshire-** There is little competition here between guided and non guided hunters as public land is open to all the public and all private land **unless posted** is available to the public also. Most large landowners are in our current use program which gives them significant property tax breaks for keeping land in agriculture or forest and a requirement for maximum benefit is that the land is open for the public. I know this is a very different system than the western states and is a legacy of our fore father's rejection of the English Nobility's exclusive ownership of wild game. Here, while you own the land (and the plants and trees), wildlife is a public resource.

**North Carolina** -Regarding the first two questions, we have no data nor speculation to offer.

**Ohio-** Leasing for deer hunting is becoming a big deal in parts of Ohio where 95% of the state is in private ownership. This practice limits some opportunity for turkey hunting as well; however, guiding / outfitting is not really a big business here and does not result in significant conflicts between hunter groups. Waterfowl hunting is concentrated in the Lake Erie / Sandusky Bay region and private clubs tend to dominate the best spots but again outfitters aren't the issue.

**South Carolina-** This does not seem to be a significant issue as hunters generally do not have access to private land unless they know the landowner or are parties to hunting leases. For waterfowl? Same as for turkey

**South Dakota-** Turkey: There is little competition for access to private land between commercial and non-commercial. There are a few areas where there is a higher level of commercial turkey hunting; however on a statewide basis the impact is minimal. Waterfowl: There is little competition for access to private land. The South Dakota legislature has limited the number of non-resident waterfowl hunters which reduces, and has virtually eliminated, any competition for private land access. There are also ample opportunities to waterfowl hunt on public land, which also reduces the competition on private land.

**Texas-** There is probably not much competition for turkey because they (Rio Grande subspecies) are widespread in Texas. There may be some competition to lease private land on the Gulf Coast for duck, goose and dove hunting privileges, but we haven't heard much complaining. Of course, hunters are accustomed to paying for the privilege to access private land to hunt in Texas, even with a guide or outfitter.

**Utah-** We are not aware of any current competition between outfitters and turkey hunters on private land, but turkey hunting is becoming more popular and future conflicts could occur. Regarding waterfowl, there is a long history of competition for access to private lands. In fact the acquisition and development of State owned WMA's was largely driven by the incorporation of the best waterfowl hunting areas into organized private hunting clubs around the turn of the 19<sup>th</sup> century. The state actions were reactionary to private development as a means to protect for public use areas of high waterfowl abundance and value. Today, essentially all private land that offers good waterfowl hunting opportunity is incorporated into hunting clubs or annual leases. Agricultural areas that offer good goose hunting are extreme examples of that competition. We are aware of ¼ sections of cropland that are leasing for as much as \$30,000 annually for the waterfowl hunting rights. We are also aware of situations where access to public areas has been purchased by outfitters as a means to eliminate or minimize the competing public on or near private hunting areas.

**Washington-** As mentioned under number 1 above, competition for turkey hunting access has not been much of an issue to date. With waterfowl hunting it is more of an issue and WDFW actively pursues access for waterfowl hunting and habitat enhancement through our private lands access program. Most of this is funded by our state migratory bird permit and federal (PR) funds. I think we are pretty competitive, but are often out bid for some of the very best sites.

**Wisconsin-** Access to private land - covered already under 1. While there is competition, it does not seem to be such a great concern that hunters are telling us about it in surveys. The answer to this question would be very different if deer or bear were being addressed.

**Wyoming-** The degree of competition between outfitted turkey hunts and non-outfitted turkey hunts could be classified as minimal for most of the state. However, in some areas there is moderate competition for access to private lands. This is usually with outfitters leasing large areas for their hunting clients.

The degree of competition between outfitted waterfowl hunts and non-outfitted waterfowl hunts could be classified as minimal. We have some isolated areas in southeastern Wyoming where a few outfitters are hunting waterfowl, primarily geese. Southeastern Wyoming is primarily private land, where most waterfowl hunting is done on leases, not necessarily leased by outfitters but rather by groups of hunters.

Does your agency reserve or regulate hunting sites for waterfowl or turkey on lands you control or pay for access to?

**Alabama-** We have 50 waterfowl blind sites that are offered by drawing on an annual basis.

**Alaska-** No.

**Arizona-** When we regulate access, we routinely regulate number of hunters. Should a hunter choose to hire a guide, they are part of the "hunter" and we do not regularly limit the activity. That said, I am unaware of anywhere where this has been an issue.

**Arkansas-** Yes we do, for waterfowl, hunting areas are open to the public for morning hunting only in a first come basis. A couple areas require an application/draw system for permits. The same goes for turkey hunting. Some areas are wide open and some require a permit.

**California-** CDFG regulates access by permit to certain high-demand Department-owned Wildlife Areas and some Federal Wildlife Refuges for turkeys and waterfowl. No distinction is made between guides and the general hunting public when applying for or issuing these permits. However, we do not think that there is much competition between guides and hunters on these particular public lands that are open to no-fee permits through public drawing.

**Colorado-** While Division of Wildlife properties are largely available for hunting by the public at large, access to a small percentage of those properties is controlled by a reservation system. In most cases, this system is in place to regulate demand and ensure a high-quality hunting experience for high-demand waterfowl hunting areas. In other cases, regulations control access to ensure a quality experience for youth hunters. Properties controlled by the Division and regulated by a reservation system are fewer than 30 in number statewide, or approximately seven percent of more than 400 properties controlled by the Division.

**Delaware-** Yes. On some of our state areas, we have reserved goose hunts using a lottery system. On some areas we have a daily lottery for duck blinds. For turkey hunting, we have a pre-season lottery for the limited number of permits we have available.

**Florida-** While we control access to public lands for turkey and waterfowl hunting through seasons, quota permits, etc., we do not regulate or differentiate between guides/outfitters/general hunter's access to or use of these lands.

**Indiana-** Yes, and on state-owned that was purchased or is managed with federal funds, outfitting/guiding is expressly forbidden.

**Kentucky-** The KDFWR does not reserve or regulate hunting sites for turkey on lands owned or managed by the Department. The only exemption to this would be on federally owned or operated military installations in which limited turkey hunting opportunities are offered to civilians. Those sites include Fort Knox, Fort Campbell, and the Bluegrass Army Depot where limited hunter access is controlled by the Department of Defense.

We do regulate some waterfowl hunting areas. These areas are limited to hunters selected by a pre-season blind draw. Some are day hunts only while others are for the season. All but one are open to the general public on a first-come, first-serve basis. The one that is not has a daily standby draw for remaining open slots that specific day.



**Minnesota-** Generally no, although we still do have a few "controlled" goose hunts where hunters need to reserve a specific blind. These have become much less popular in the last decade as our statewide resident goose population has grown. The number of blinds has diminished significantly, and we are down to 3 sites. I will say that we are now exploring the idea of having some controlled duck hunts on public land in order to improve the "quality" of the hunts, but these will likely be limited in number. We also have a few "special" turkey hunts for kids or persons with disabilities where we regulate hunting opportunity.

**Mississippi-** Yes, the MDWFP has select draw hunts for waterfowl and/or turkey hunts on approximately 30% of the state wildlife management areas.

**Nebraska-** The state of Nebraska does not reserve hunting sites for turkey or waterfowl, except on a few places designated for youth hunting.

**Nevada-** The Nevada Department of Wildlife is responsible for several Wildlife Management Areas that emphasize waterfowl as a high priority and provide hunting opportunities for waterfowl. Some of these properties also provide turkey hunting opportunities. Only two of them currently have any sort of a "reservation" system. The Overton Wildlife Management Area on the edge of Lake Mead has a reservation system for specific duck/goose blinds and is open every other day during the open waterfowl season. The Mason Valley Wildlife Management Area has a special goose season in November with a reservation system for 8 blinds located in fields while the rest of the management area remains open. Conflicts between turkey hunting and waterfowl hunting is generally taken care of by coordinating timing of open seasons for turkeys.

**New Hampshire-** We do not reserve or regulate hunting sites, although I know this is common practice in many states with large waterfowl resources.

**North Carolina-** Yes - both waterfowl and turkey hunting on some state game lands is regulated through a permit hunt system. Some game lands are further compartmentalized and permits apply on to specific areas within a game land. However, the intent of restricting opportunity through limited permit hunts is not specifically to reduce competition between outfitters and non-outfitted hunters. Our primary intent is to reduce competition between hunters in general (to include outfitted vs non-outfitted), provide quality hunting experiences, provide a level of protection to the resource where necessary, and particularly with waterfowl, to spread the hunting pressure over a greater period of time.

We have experienced competition between waterfowl outfitters and non-outfitted waterfowl hunters on some game lands. Specifically, we had a large outfitter that was building permanent waterfowl blinds on a major game land reservoir, placing very large decoy spreads at each blind location the afternoon prior to each legal hunting day, and subsequently insisting that these locations were not available to hunters other than his customers. We resolved this specific issue by enacting a rule to prohibit the use or construction of permanent hunting blinds at that location. For the purpose of our rule, "Permanent Hunting Blind" is defined as any structure used for hunter concealment, constructed from man made or natural materials, that is not disassembled and removed at the end of each day's hunt.

One other applicable rule that we use to manage competition on game lands prohibits entry and placement of decoys in managed waterfowl impoundments prior to 4:00 a.m. on the permitted hunting dates, and requires removal of decoys immediately after each day's hunt.

On game lands where blinds are not specifically prohibited, they may be constructed and used; however, they become public property and are available to anyone on a first-come, first-served basis."

**Ohio-** We do for controlled hunts for waterfowl at selected sites with high public demand and for a few areas with youth turkey hunting opportunities.

**South Carolina-** We have hunting programs where we have a public draw for hunts on many public lands managed by SCDNR.

**South Dakota-** Turkey: The state does not reserve or regulate hunting sites for turkey on lands we own or pay for access. Waterfowl: The Lower Oahe Waterfowl Access Hunting Program includes approximately 35,000 acres from nine cooperating landowners in the Pierre area. These lands are leased primarily to provide waterfowl hunting opportunities, however much of the land is also utilized by upland game and big game hunters. There are 43 decoy-only registration fields and 74 pits available for pass-shooting hunts.

**Texas-:** Yes. We have a Public Hunting Program and depending on the area and the species hunted, access to "reserved sites" can be by drawing, or on a first come first served basis.

**Utah-** As mentioned above, Utah owns and operates 24 Waterfowl Management Areas that receive over 40% of the statewide waterfowl hunting effort. We do not charge for the use of these areas and do not restrict the number of hunters that use them or the days they are open. We currently allow guiding on these areas.

Utah also has a Cooperative Wildlife Management Unit (CWMU) program that allows landowner(s) that meet minimum landownership requirements to apply for and administer a number of permits. While there is no access fee charged to hunters, nor does DWR pay for fees nor receive additional fees relating to the CWMU permits or programs, they may fall under the realm and intent of this question. Basically, a landowner can enroll as a sanctioned CWMU operator with DWR. He then can request a certain number of turkey permits which is coordinated and sanctioned by DWR as well. The permits are divided equally to the landowner (50 : 50 split) as private and public permits and the landowner can sell his share of the permits to anyone he desires. The other permits go into a drawing and are available through the drawing to the public at no extra charge. All permits are held and sold by the DWR. So, the program is not a "guide and outfitter" system, but it may fit in the realm of the question in that it both limits public access to private lands in the CWMU as a whole but also provides public access to private land within the CWMU in a limited fashion. Utah currently has 5 enrolled CWMU's for wild turkey hunting.

Utah also has a Walk-in Access Program for hunting, fishing and trapping that pays landowners to allow public access to their properties. Some of these areas provide turkey and waterfowl hunting opportunity.

**Washington-** Yes, we do regulate hunting sites for quality hunting areas. We also require permits for waterfowl hunting guides on public property and have rules designed to even the playing field in the competition for popular sites such as: timing restrictions for placing decoys and first come first served on established blinds. We also have plans to develop a comprehensive reservation system over the next couple of years to expand the availability of quality hunting opportunity, especially for upland game and waterfowl hunting.

**Wisconsin-** Wisconsin will be experimenting with limiting the number of waterfowl hunters on one public property in the near future. We have done this on a limited basis for goose hunters on a handful of popular properties as well but, since the recovery of locally nesting Canada geese, we have tended away from this type of goose hunter management and there has been less demand for it. Turkey hunter numbers are limited by permit statewide which reduces the need to limit numbers on individual properties. Hunter numbers are limited by permit at a handful of state park properties (primarily to reduce conflict with other property users) but not at public hunting areas in general.

**Wyoming-** The Department has lands which are owned by the commission and lands which are leased through our Private Land Public Wildlife (PLPW) program. Our PLPW program consists of private lands that are leased for hunting and fishing access through Walk-in areas (WIA) and Hunter Management Areas (HMA). WIA and HMA contracts are created between the landowners and the Department and specific regulations about the property are drafted. These regulations usually outline how many hunters will be given access, which roads will be open to vehicular travel, and other concerns about the property. The PLPW program has property enrolled for both turkey and waterfowl hunting.

There are only a few Department owned properties where specific sites are reserved for hunting. The Bump-Sullivan hunt is a hunt where blinds are located around the Bump-Sullivan reservoir. These blinds are assigned to waterfowl hunters through a random draw for hunters wishing to hunt the Bump-Sullivan reservoir. This helps avoid overcrowding and safety concerns on the property. In recent years, the Bump-Sullivan hunt has not taken place due to lack of water in the reservoir.

On all Department owned lands and lands leased by the Department, the Commission adopts regulations pertaining to each property, but only a few properties regulate specific hunting sites.

## **Attachment A**

In an MOU with the IDFG, the Board recognizes the declining recreational access to private lands, and through private lands to public lands, and has agreed to cooperate with IDFG to enhance outfitted and non-outfitted access to, and through, private lands. In this respect, the Board has agreed the proposed outfitting opportunity must not deny public access to public lands or waters accessible only through the private lands or waters that are being proposed for outfitting. The proposed language in the outfitting agreement with a lands or waters owner cannot exclude non-outfitted fishing or hunting opportunities. Nevertheless, it is recognized in that MOU that the landowner still has the right to control access to his property.

In its "USER MANUAL FOR NEW OUTFITTER APPLICATIONS," the Board states that IOGLB "recognizes the rights of private landowners and business owners and, at the same time recognizes the needs and interest of Idaho sportsmen. The Board feels that it must do all it can to help promote the outfitting industry in the State of Idaho and, when appropriate IOGLB, encourages private land owners to consider providing public access to their privately owned property for public outdoor recreation activities. As a state agency responsible for regulating outfitting and guiding opportunities in the state and protecting the health, safety, and welfare of the public, the Board believes that it has the responsibility, to help outfitters service the public without allowing outfitters to monopolize public access or public availability."

The IOGLB has determined the conditions outlined below, that it must take as a state agency, in licensing outfitters to provide public opportunities on private lands:

- The proposed outfitting opportunity should not restrict public access to public lands accessible only through the private lands that are being proposed for outfitting.
- The proposed outfitter operating area on private lands has the capacity to offer adequate hunting, fishing or recreation opportunities. Typically land based operations and terrain not conducive to the proposed activity may not be considered.
- There should not be fish or wildlife issues identified by IDFG that cannot be reconciled by the private landowner and outfitter to the satisfaction of the licensing board.
- Shooting preserve permits holders must obtain IOGLB license.
- Outfitter licenses will be issued to only the applicant applying for the license. The landowner(s) will have no controlling interest in the license unless they are the applicant(s). For turkey and waterfowl only the landowner may hold a license
- The proposed activities on the private land are not in conflict with other outfitters in the area.
- Once licensed, the outfitter must maintain with the Board a record of all lands that are going to be outfitted during a given year.
- Changes must be recorded by submitting revised legal descriptions, maps, and private landowner sign-off via a major amendment through IOGLB.